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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,382	06/29/2001	John A. Fee	RIC-00-034	9548

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WORLDCOM, INC.  
TECHNOLOGY LAW DEPARTMENT  
1133 19TH STREET NW  
WASHINGTON, DC 20036

EXAMINER

SINGH, DALZID E

ART UNIT PAPER NUMBER

2633

DATE MAILED: 03/25/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/896,382

Applicant(s)

FEE, JOHN A.

Examiner

Dalzid Singh

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-20 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-20 and 22-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-20 and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simeonidou et al (US Patent No. 6,249,620) in view of Liu (US Patent No. 5,914,798) and further in view of Vrenjak (US Patent No. 5,063,523).

Regarding claims 1, 10 and 27, Simeonidou et al disclose management of a submarine cable network comprising:

monitoring a plurality of physical connections between a first line terminating equipment and a second line terminating equipment (in col. 2, lines 43-46, Simeonidou et al disclose network management which monitors state of the optical switch (i.e., optical connections)); and

reconfiguring the submarine cable network based upon the receiving step (see col. 2, lines 49-53).

Simeonidou et al differ from these claims in that Simeonidou et al do not specifically disclose selectively receiving alarm signals from at least one of the first line terminating equipment and the second line terminating equipment. However transmitting alarm signal in case of line failure is well known. Liu is cited to teach the use of alarm and status signals (see col. 2, lines 8-11 and col. 4, lines 19-29).

Therefore it would have been obvious to an artisan at the time of the invention to provide alarm signal as taught by Liu to the system of Simeonidou et al. One of ordinary skill in the art would have been motivated to do this in order to provide a notification system, which indicate that fault has occurred. Once alarm signal is transmitted regarding a failure, monitoring systems will response accordingly by following a preset algorithm to restore communication. Moreover, since the alarm signal is received at a terminal, there must be an interface unit which receive the alarm signal.

Furthermore, the combination of Simeonidou et al and Liu differs from these claims in that the combination does not specifically disclose the alarm signals to be out of band signals. However, transmitting such signals through out of band channels is well known. Vrenjak is cited to show transmitting alarm signal using out of band secondary channel (see col. 3, lines 20-42). Therefore it would have been obvious to transmit the alarm signal using an out of band signal as taught by Vrenjak. One of ordinary skill in the art would have been motivated to do this since out of band signaling does not interfere with data signal or traffic signal.

Regarding claims 2, 19 and 28, Simeonidou et al disclose the reconfiguring step is performed to restore service according to a plurality of classes of services (in col. 2, lines 49-57, Simeonidou et al disclose reconfiguration (restoration) to increase capacity according to the customer changing requirements (i.e., classes of services)) :

Regarding claims 3, 12, 20 and 29, Simeonidou et al disclose reconfiguring step is performed to provision services on the submarine cable network (in col. 2, lines 49-57 Simeonidou et al disclose reconfiguration (restoration) of the switch).

Regarding claims 5 and 22, in col. 2, lines 43-46 Simeonidou et al disclose reconfiguring are performed by a network management module and differ from this claim in that Simeonidou et al do not specifically disclose receiving alarm signals. However, Liu teaches the use of alarm signal (see claim 1).

Regarding claims 6, 15 and 23, Simeonidou et al disclose that the network management module resides within at least one of the first line terminating equipment and the second line terminating equipment (in col. 2, lines 43-46, Simeonidou et al disclose network management is located at the end stations (i.e., first line terminating equipment)).

Regarding claims 7, 14 and 24, the combination of Simeonidou et al, Liu and Vrenjak differs from these claims in that the combination does not specifically disclose that the network management module resides within a switching system. However, since the system is interconnected by together, therefore it would have been obvious to an artisan of ordinary skill in the art to provide the network management module anywhere within the network, such as in the switching system, in order to monitor faults within the network.

Regarding claims 8, 16 and 25, in col. 2, lines 43-53, Simeonidou et al disclose reconfiguring step and differ from this claim in that Simeonidou et al do not specifically disclose reconfiguring step comprising:

detecting a fault on one of the plurality of physical connections based upon the received alarm signals;

retrieving restoration information; and

rerouting the traffic on the one physical connection to another one of the plurality of physical connections based upon the restoration information.

However, Liu teaches the specifics of all of the above steps in response to alarm signal (see col. 2, lines 8-20). Since Simeonidou et al disclose the use of management network system to reconfigure the optical connection, therefore it would have been obvious that there exist a method to indicate a fault in the system and provide reconfiguration of the optical connection as taught by Liu in order to restore communication between different terminals.

Regarding claims 9, 17 and 26, in col. 2, lines 47-53, Simeonidou et al disclose receiving provisioning data that include capacity requirements of a customer and reconfiguring the submarine cable network based upon the capacity requirements.

Regarding claim 11, Simeonidou et al disclose network management which provides restoration service according to a plurality of classes of services (see claim 2) and differ from this claim in that Simeonidou et al do not specifically disclose a database configured to store restoration services. However, Liu teaches the use of database configured to store restoration (see col. 2, lines 12-15). Since there is plurality of optical connections connected to the switch (i.e., branching unit), therefore it would have been obvious to provide a database system in order to store and identify each connection and provide an alternate route in case a fault occurs in the network.

Regarding claim 18, Simeonidou et al disclose management of a submarine cable network comprising:

monitoring a plurality of physical connections between a first line terminating equipment and a second line terminating equipment (in col. 2, lines 43-46, Simeonidou et al disclose network management which monitors state of the optical switch (i.e., optical connections)); and

reconfiguring the submarine cable network based upon the receiving step (see col. 2, lines 49-53).

Simeonidou et al differ from these claims in that Simeonidou et al do not specifically disclose selectively receiving alarm signals from at least one of the first line terminating equipment and the second line terminating equipment. However transmitting alarm signal in case of line failure is well known. Liu is cited to teach the use of alarm and status signals (see col. 2, lines 8-11 and col. 4, lines 19-29). Therefore it would have been obvious to an artisan at the time of the invention to provide alarm signal as taught by Liu to the system of Simeonidou et al. One of ordinary skill in the art would have been motivated to do this in order to provide a notification system, which indicate that fault has occurred. Once alarm signal is transmitted regarding a failure, a monitoring system will response accordingly by following a preset algorithm to restore communication. Moreover, since the alarm signal is received at a terminal, there must be an interface unit which receive the alarm signal. Furthermore, Liu teaches a computer-readable medium carrying one or more sequences of one or more instructions for providing network management of a network, the one or more sequences of one or snore instructions including instructions which,

when executed by one or more processors, cause the one or more processors to perform the step discussed above (see col. 2, lines 9-36 and Figs. 6A-6C and 7-9).

The combination of Simeonidou et al and Liu differs from these claims in that the combination does not specifically disclose the alarm signals to be out of band signals. However, transmitting such signals through out of band channels is well known. Vrenjak is cited to show transmitting alarm signal using out of band secondary channel (see col. 3, lines 20-42). Therefore it would have been obvious to transmit the alarm signal using an out of band signal as taught by Vrenjak. One of ordinary skill in the art would have been motivated to do this since out of band signaling does not interfere with data signal or traffic signal.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 10, 18 and 27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is 703-306-5619. The examiner can normally be reached on Mon-Fri 8am - 4pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 703-305-4729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2633

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DS  
March 15, 2004

  
M.R. SEDIGHIAN  
Patent Examiner  
Art Unit: 2633